

Current Federal Regulations

There is a wide variety of Federal laws, Executive Orders, and Executive Memoranda that facility managers are required to follow to reduce the energy and environmental impacts of the buildings they manage. These laws and regulations already direct facility managers to be proactive in their efforts to reduce resource consumption, reuse and recycle materials, and dramatically reduce the impacts of Federal government activities on the environment. Although they are required to comply with the many specific directives in these documents, many facility managers may be unaware of the actions they can take with regard to implementation. Below, the major Federal regulations governing energy and environmental actions, together with their important provisions, are listed in chronological order.

Federal Laws & Executive Orders

1. Energy Policy and Conservation Act (EPCA) of 1975. EPCA was the first major piece of legislation to address Federal energy management. This law directed the President to develop a comprehensive energy management plan. EPCA has largely been overtaken by later legislation.
2. Resource Conservation and Recovery Act (RCRA) of 1976. RCRA 6002 established a Federal mandate to "Buy Recycled." RCRA 1008 and 6004 require all Federal agencies generating solid waste to take action to recover it.
3. National Energy Conservation Policy Act (NECPA) of 1978. NECPA specified the use of a lifecycle costing methodology as the basis for energy procurement policy and specified the rate for retrofit of Federal buildings with cost-effective energy measures. Title V of NECPA was codified as the Federal Energy Initiative.
4. Comprehensive Omnibus Budget Reconciliation Act (COBRA) of 1985. COBRA, a one-year funding bill, provided Federal agencies with an alternative source of funding for energy-efficiency investments. For the first time, agencies were encouraged to seek private financing and implementations ,, energy-efficiency projects through "shared energy savings" (SES) contracts.
5. Federal Energy Management Improvement Act (FEMIA) of 1988. It mandated a 10% reduction in per-square- foot energy use by Federal buildings between 1985 and 1995, marking the first time that Congress specified the level of savings that had been achieved.
6. Executive Order 12759, "Federal Energy Management," April 17, 199 1. This order extended the FEMIA energy reduction requirements for Federal buildings to 2000, requiring a 20% reduction in per square-foot energy usage from 1985 levels. This executive Order 12902 (number 13).
7. Energy Policy Act of 1992 (EPACT). This Act increases conservation and energy-efficiency requirement for government and consumers; for Federal agencies, requires a 20% reduction in per-square-foot energy consumption by 2000 compared to a 1985 baseline; provides authorization for DOE to issue rules and guidance on Energy Savings Performance Contracts (ESPCs - for Federal agencies; requires Federal agencies to train and utilize energy managers; directs the Office of Management and Budget to issue guidelines for accurate assessment of energy consumption by Federal buildings; and directs GSA to report annually on estimated energy costs for leases space.

8. Executive Order 12843, "Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances," April 21, 1993, requires Federal agencies to maximize the use of safe alternatives to ozone-depleting substances by: (1) revising procurement practices; (2) modifying specifications and contracts that require the use of ozone depleting substances; (3) substituting non-ozone depleting substances to the extent economically practicable; and (4) disseminating information on successful efforts to phase out ozone-depleting substances.

9. Executive Order 12844, "Federal Use of Alternative Fueled Vehicles," April 21, 1993. This requires the Federal government to adopt aggressive plans to acquire, subject to availability of funds and considering life-cycle costs, alternative fueled vehicles, in numbers that exceed by 50% the requirements for 1993 through 1995, set forth in the Energy Act of 1992.

10. Executive Order 12845, "Requiring Agencies to Purchase Energy-Efficient Computer Equipment," April 21, 1993. Order 12845 requires all acquisitions of microcomputers, monitors, and printers to meet EPA Energy Star Standards for energy efficiency, including low power standby features as defined by EPA Energy Star Standards. Agencies must make Federal users aware of the economic and environmental benefits of energy saving equipment through information and training classes.

11. Executive Order 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements," August 4, 1993. Explains how Federal agencies are to comply with Emergency Planning and Community Right-to-Know (EPCRA) reporting requirements and offers "leadership options" for Federal agencies in meeting the goals of the Order.

12. Executive Order 12873, Federal Acquisition, Recycling, and Waste Prevention," October 20, 1993. This Executive Order addresses the government's purchasing power, incorporates environmental considerations into decision making, and encourages waste prevention and recycling in daily operations. Federal agencies: (1) must set goals for waste reduction; (2) must increase the procurement of recycled and other environmentally preferable products; and, (3) can retain some of the proceeds from the sale of materials from recycling or waste-prevention programs.

13. Executive Order 12902, "Energy Efficiency and Water Conservation at Federal Facilities," March 8, 1994. For Federal agencies it requires: (1) a 30% reduction in per gross foot energy consumption by 2005 compared to 1985 to the extent that these measures are cost effective; (2) a 20% energy efficiency increase in industrial facilities by 2005 compared to 1990 to the extent that these measures are cost effective; (3) the implementation of all cost-effective water conservation projects; and (4) the procurement of products in the top 25% of their class in energy efficiency where cost-effective and where they meet the agency's performance requirements. In addition to available appropriations, agencies shall utilize innovative financing and contracting mechanisms including, but not limited to, utility DSM and ESPCs to meet the goals and requirements of EPACT and this order.

14. Executive Memorandum on "Environmentally and Economically Beneficial Practices on Federal Landscaped Grounds," April 16, 1994. This requires Federal grounds and Federally funded projects, where cost-effective and practicable, to use regionally native plants for landscaping. It also requires facility managers to promote construction practices that minimize adverse effects on the natural habitat; minimize use of fertilizers and pesticides; use integrated pest management techniques; and, recycle green waste. Water efficient practices, such as minimizing runoff, using mulches, irrigating using efficient systems, and performing water audits, are also required. Agencies must also establish areas that demonstrate these principles.

15. 1 OCFR435 establishes performance standards to be used in the design of new Federal commercial and multifamily high rise buildings. Some of the guidelines are relevant to retrofits.

16. 10CFR436 establishes procedures for determining the life-cycle cost effectiveness of energy conservation measures, and for prioritizing energy conservation measures in retrofits of existing Federal buildings

Contacts

For more information on Federal rules and regulations relative to energy and environmental actions, contact FEMP's Help Desk at: (800) DOE-EREC.